

CONNECTICUT LAW JOURNAL



Published in Accordance with
General Statutes Section 51-216a

VOL. LXXIX No. 24

December 12, 2017

231 Pages

Table of Contents

CONNECTICUT REPORTS

Arroyo v. University of Connecticut Health Center (Order), 327 C 973	19
Cohen v. Meyers (Order), 327 C 973	19
McClancy v. Bank of America, N.A. (Order), 327 C 975	21
Presidential Village, LLC v. Perkins (Order), 327 C 974	20
Retained Realty, Inc. v. Lenahan (Order), 327 C 975	21
State v. Biggs (Order), 327 C 975	21
State v. Bozelko (Order), 327 C 973.	19
State v. James E., 327 C 212	2
<i>Risk of injury to child; certification from Appellate Court; whether decision of Appellate Court that defendant's conviction was supported by evidence that he created risk of harm to child's mental health should be upheld on alternative ground that evidence was sufficient to prove that defendant wilfully caused his child to be placed in situation in which her life or limb was endangered; claim that evidence was insufficient to prove that defendant created situation that endangered child's life or limb; whether defendant had requisite general intent to commit risk of injury to child.</i>	
State v. Reed (Order), 327 C 974	20
Volume 327 Cumulative Table of Cases	23

CONNECTICUT APPELLATE REPORTS

Cuozzo v. Orange, 178 CA 647.	159A
<i>Personal injury; claim that municipal defendants were liable under municipal liability statute (§ 52-557n) for injuries and damages plaintiff sustained when his vehicle struck pothole in private driveway; whether trial court properly granted defendants' motions for summary judgment on ground that there was no genuine issue of material fact as to whether pothole was located in private driveway.</i>	
Cusano v. Lajoie, 178 CA 605	117A
<i>Negligence; personal injury; whether trial court abused its discretion in granting motion for additur; whether jury's award of medical expenses required it to find that plaintiff suffered compensable pain throughout period of medical treatment; failure of trial court to identify any part of record that supported its reasoning or to provide any explanation for amount of additur; whether jury reasonably could have determined that plaintiff had not proven any noneconomic damages for pain and suffering, or damages for lost wages.</i>	
Geci v. Boor, 178 CA 585.	97A
<i>Probate appeals; whether trial court properly determined that plaintiff became sole owner of joint bank accounts upon decedent's death; claim that trial court committed clear error in failing to find that plaintiff fraudulently concealed survivorship rights on joint bank accounts; whether trial court properly reinstated plaintiff as executrix of decedent's estate; claim that plaintiff failed to perform adequately duties as executrix by undervaluing certain assets in inventory of decedent's estate.</i>	
Gomez v. Commissioner of Correction, 178 CA 519	31A
<i>Habeas corpus; claim that petitioner's due process rights were violated by state's suppression of material exculpatory evidence in violation of Brady v. Maryland (373 U.S. 83) when state failed to disclose certain consideration that allegedly had been offered in exchange for the testimony of two witnesses; whether habeas court's finding that agreements existed between state and witnesses, and that</i>	

(continued on next page)

agreements were limited to bringing their cooperation to attention of judicial authority posttrial was clearly erroneous; whether evidence supported habeas court's finding that state disclosed agreements; claim that state improperly failed to disclose impeachment evidence relating to how it had assisted in reducing bonds for witnesses; claim that state violated petitioner's rights to due process and fair trial when, during criminal trial, it knowingly presented, and failed to correct, false testimony of witnesses; whether state was required to correct allegedly false testimony of witnesses where petitioner failed to prove existence of undisclosed agreement or understanding; whether habeas court properly concluded that petitioner was not denied effective assistance of counsel as result of alleged failure of trial counsel to adequately cross-examine witnesses regarding their alleged agreements or understandings with state; whether petitioner failed to prove that he was prejudiced by trial counsel's allegedly deficient performance.

- Horvath v. Hartford, 178 CA 504 16A
Summary judgment; alleged violation of state whistle-blower statute (§ 31-51m); whether trial court properly granted motion for summary judgment; reviewability of claim, raised for first time on appeal, that defendant's actions amounted to retaliatory penalty and discipline for plaintiff's having reported alleged abuses of authority; whether plaintiff's claims were limited to those alleged in complaint; whether there was genuine issue of material fact as to whether plaintiff was constructively discharged as result of whistle-blowing actions in violation of § 31-51m.
- Lawrence v. Dept. of Energy & Environmental Protection, 178 CA 615 127A
Administrative appeal; whether trial court improperly dismissed administrative appeal from decision by Commissioner of Energy and Environmental Protection that granted application to construct residential dock and pier; claim that trial court improperly concluded that plaintiff was not classically aggrieved; claim that trial court improperly concluded that plaintiff was aggrieved pursuant to statute (§ 22a-19) only with respect to claim of visual degradation; adoption of trial court's memorandum of decision as proper statement of facts and applicable law on issues.
- State v. Fuller, 178 CA 575 87A
Conspiracy to steal firearm; conspiracy to commit larceny in fourth degree; conspiracy to commit burglary in third degree; illegal manufacture, distribution, sale, prescription or administration of narcotics by person who is not drug-dependent; illegal manufacture, distribution, sale, prescription or administration of narcotics by person who is not drug-dependent within 1500 feet of public elementary school; conspiracy to commit illegal manufacture, distribution, sale, prescription or administration of narcotics by person who is not drug-dependent; criminal possession of firearm; reviewability of claim that trial court violated defendant's constitutional rights to counsel, fair trial and due process in denying requests to personally possess copy of discovery items disclosed by state; whether unpreserved claim that trial court improperly denied requests for defendant to personally possess discovery items was of constitutional magnitude; whether criminal defen-

(continued on next page)

CONNECTICUT LAW JOURNAL

(ISSN 87500973)

Published by the State of Connecticut in accordance with the provisions of General Statutes § 51-216a.

Commission on Official Legal Publications
 Office of Production and Distribution
 111 Phoenix Avenue, Enfield, Connecticut 06082-4453
 Tel. (860) 741-3027, FAX (860) 745-2178
www.jud.ct.gov

RICHARD J. HEMENWAY, *Publications Director*

Published Weekly – Available at <http://www.jud.ct.gov/lawjournal>

Syllabuses and Indices of court opinions by
 ERIC M. LEVINE, *Reporter of Judicial Decisions*
 Tel. (860) 757-2250

The deadline for material to be published in the Connecticut Law Journal is Wednesday at noon for publication on the Tuesday six days later. When a holiday falls within the six day period, the deadline will be noon on Tuesday.

<i>dant has general constitutional right to discovery; whether trial court abused its discretion in denying discovery requests for defendant to personally possess copy of discovery items disclosed by state.</i>	
State v. Garcia, 178 CA 557	69A
<i>Writ of error; bail; whether trial court applied correct legal standard in ruling on motion by bail bonds company that sought discharge from its obligation under bond executed to obtain release of criminal defendant from custody pending trial; whether bail bonds company established good cause pursuant to applicable rule of practice (§ 38-23) to be relieved of obligation on bond; whether criminal defendant's immigration status constituted act of law sufficient to relieve bail bonds company from obligation for good cause shown; claim that promise by state of Connecticut to seek to extradite criminal defendant after he absconded was relevant to court's determination of whether bail bonds company had demonstrated good cause to discharge its obligation.</i>	
State v. Johnson, 178 CA 490	2A
<i>Robbery in second degree; conspiracy to commit robbery in second degree; sufficiency of evidence; plain error doctrine; claim that there was insufficient evidence to sustain conviction because it was based on uncorroborated accomplice testimony; whether this court was bound by Supreme Court precedent on issue of uncorroborated accomplice testimony; whether defendant could prevail under plain error doctrine on unpreserved claim that trial court improperly failed to provide adequate cautionary instruction to jury regarding dangers of relying on uncorroborated accomplice testimony; whether trial court abused its discretion in admitting into evidence certain witness' statement to police; whether statement satisfied personal knowledge requirement under State v. Whelan (200 Conn. 743).</i>	
Tara S. v. Charles J., 178 CA 547	59A
<i>Sexual assault; application for prejudgment remedy; motion to dismiss; claim that trial court improperly denied motion to dismiss application for prejudgment remedy and underlying action because applicable statute of limitations (§ 52-577d) was unconstitutional as applied to defendant; whether meaning of § 52-577d was plain and unambiguous; whether statute permitted plaintiff to bring action against defendant regardless of whether she had repressed memories of defendant's sexual assaults; whether § 52-577d implicated constitutionally protected conduct or property right of defendant; whether constitutional rights to speedy trial, confrontation and against double jeopardy applied only in criminal settings.</i>	
Weaving v. Commissioner of Correction, 178 CA 658	170A
<i>Habeas corpus; whether habeas court abused its discretion in denying petition for certification to appeal; claim that trial counsel provided ineffective assistance by failing to present testimony from accident reconstruction expert; claim that prior habeas counsel rendered ineffective assistance by failing to advance claim that trial counsel was ineffective in failing to present testimony from accident reconstruction expert.</i>	
Volume 178 Cumulative Table of Cases	183A

SUPREME COURT PENDING CASES

Summaries	1B
---------------------	----

NOTICES OF CONNECTICUT STATE AGENCIES

Social Services, Dept. of	1C
-------------------------------------	----

MISCELLANEOUS

Notice of Evaluation of Incumbent Judges Who Seek Reappointment	1D
---	----